IN RE: PETITION FOR ZONING VARIANCE Waterford Road (1503 Galena Road) 15th Election District

Petitioners

N/S Galena Road. 75' E of 5th Councilmanic District

* DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY * Case No. 92-230-A Kenneth R. Titus, et ux

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * *

The Petitioners herein request a variance from Section 1802.3C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 7 feet in lieu of the minimum required 10 feet for a proposed new dwelling in accordance with Petitioner's Exhibit 1.

The Petitioners, Kenneth and Legore Titus, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 1503 Galena Road, consists of 8,000 sq.ft. more or less zoned D.R. 5.5 and is improved with a single family dwelling. Said property is located within the Chesapeake Bay Critical Areas near Back River. Petitioners are desirous of razing the existing dwelling, which is old and inadequate, and constructing a new dwelling in accordance with Petitioner's Exhibit 1. Testimony indicated that due to the narrow width of the lot and the fact that the adjoining properties are developed, the requested variance is needed in order to make the proposed improvements. Petitioners testified the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community and that the relief requested meets the spirit and intent of the B.C.Z.R.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

Petition for Variance

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the

The existing 20' house is not large enough to comfortably support my family

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Property is to be posted and advertised as prescribed by Zoning Regulations.

1802.3Cl. - to permit a side yard setback of 7' in lieu

to the Zoning Commissioner of Baltimore County

following reasons: (indicate hardship or practical difficulty)

of the required 10'.

Contract Purchaser/Lessee:

City and State

Attorney for Petitioner:

of four.

his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

This property is located within the Chesapeake Bay Critical Areas near Back River and as such, is subject to compliance with critical areas recommendations made by the Department of Environmental Protection and Resource Management upon completion of their findings. The granting of the relief requested is contingent upon Petitioners' compliance with any recommendations made by DEPRM.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13^{44} day of January, 1992 that the Petition for Zoning Variance from Section 1802.3C.1 of the Baltimore County Zoning

ZONING DESCRIPTION

Beginning at a point on the North side of Galena Road

which is 50 foot wide at the distance of 75 feet East

of the centerline of the nearest improved intersecting

Lot # 54, Block ____, Section # in the subdivision of

street Waterford Road which is 50 feet wide. Being

Hyde Park as recorded in Baltimore County Plat Book

or .10+ acres. Also known as 1503 Galena Road and

located in the #15 Election District.

W. H. M. #9, Folio #59 containing 8000+square feet

Regulations (B.C.Z.R.) to permit a side yard setback of 7 feet in lieu of the minimum required 10 feet for a proposed new dwelling, in accordance

with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> 2) Compliance with any recommendations made by the Department of Environmental Protection and Resource Management in accordance with Chesapeake Bay Critical Areas legislation.

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

> 'IMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

TMK:bjs

- 2-

CERTIFICATE OF POSTING DNING DEPARTMENT OF BALTIMORE COUNTY

- 3-

trict	Date of Posting 17/16/9
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ition of property: N'S Egland No.	75 Fluster, For LAL
ation of Signe: 1001315 Gelana All.	opines 10 /2 por dury
or poor-ty of February	
urks:	

NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Counthouse, 400 Washington Avenue, Toweon, Maryland 21204 as fol-Variance: to permit a side yard selback of 7 feet in lieu of the re-

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 🔟 successive weeks, the first publication appearing on 12/12, 19

CERTIFICATE OF PUBLICATION

THE JEFFERSONIAN.

\$ 44.34

Balliagore County Concernment Zonang Comma edoner Chiec of i lanning and Zoning.

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

January 13, 1992

Mr. & Mrs. Kenneth R. Titus 1505 Galena Road Baltimore, Maryland 21221

RE: PETITION FOR ZONING VARIANCE N/S Galena Road, 75' E of Waterford Road (1503 Galena Road) 15th Election District - 5th Councilmanic District Kenneth R. Titus, et ux - Petitioners Case No. 92-230-A

Dear Mr. & Mrs. Titus:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO Deputy Zoning Commissioner

for Baltimore County

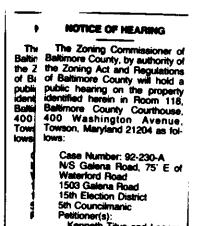
cc: Chesapeake Bay Critical Areas Commission Tawes State Office Building, D-4, Annapolis, Md. 21404

DEPRM

People's Counsel

TMK:bjs

CERTIFICATE OF PUBLICATION



Hearing Date: Monday, January 6, 1992 at 2:00

LAWRENCE E. SCHMIC

Va Variance: to permit a side yard setba setback of 7 feet in lieu of the require quired 10 feet.

N/J/1 N/J/12/100 December 12.

THIS IS TO CERTIFY, that the annexed advertisement was publish ed in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md.

once in each of ____successive weeks, the first publication appearing

NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

Baltimore Count **Zoning Commisioner** County Office Building 111 West Chesapeake Avenue lowson, Maryland 21204

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Please Make Checks Payable To: Saltimore County

ITEM 243

(Type or Print Name)

Hamith S. Jate Legore D. Titus (Type or Print Name) Legare W. Titus 1505 Galena Road 686-5504 Baltimore, Maryland 21221 Name, address and phone number of legal owner, contract purchaser or representative to be contacted

1/We do solemnly declare and affirm. under the penalties of perjury, that I/we are the legal owner(s) of the property

Kenneth R. Titus

which is the subject of this Petition.

Legal Owner(s):

(Type or Print Name)

ESTIMATED LENGTH OF HEARING -1/2HR. +1HR.

AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS ORDER RECEIVED FOR FILING

Account: R-001-6150

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(410) 887-3353

THATE: 1-3-92

Kenneth and Legore Titus 1505 Galena Road Baltimore, Maryland 21221

case number: 92-230-A N/S Galena Road, 75' E of Waterford Road 1503 Galena Road 15th Election District - 5th Councilmanic Petitioner(s): Kenneth Titus and Legore Titus

THIS PEE MOST BE PAID. ALSO, THE ZOMING SIGN & POST SET(S) MOST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE

Please forward your check via return mail to the Zoming Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

111 West Chesapeake Avenue

Towson, MD 2120+

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

(410) 887-3353

Your petition has been received and accepted for filing this 25th day of November, 1991.

Petitioner: Kenneth R. Titus, et ux Petitioner's Attorney:

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

DECEMBER 5, 1991

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

NOTICE OF HEARING

CASE NUMBER: 92-230-A N/S Galena Road, 75' E of Waterford Road 1503 Galena Roud 15th Election District - 5th Councilmanic Petitioner(s): Kenneth Titus and Legore Titus HEARING: MONDAY, JANUARY 6, 1992 at 2:00 p.m.

Variance to permit a side yard setback of 7 feet in lieu of the required 10 feet.

Baltimore County

92-230A 1-6

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: December 17, 1991

Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

Rahee J. Famili

SUBJECT: Z.A.C. Comments

2.A.C. MEETING DATE: December 10, 1991

This office has no comments for item numbers 242, 243 and 244.

Traffic Engineer II

RJF/lvd

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

December 26, 1991

Mr. & Mrs. Kenneth R. Titus 1505 Galena Road Baltimore, MD 21221

> RE: Item No. 243, Case No. 92-230-A Petitioner: Kenneth R. Titus, et ux Petition for Variance

Dear Mr. Titus

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with above referenced petition. The attached comments from each reviewing agency are not intended to assure that that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning peitions and are aimed at expediting the petition filing process with this office.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director DATE: December 6, 1991

In reference to the Petitioners' request, staff offers no

provide additional information, please contact Jeffrey Long in the

If there should be any further questions or if this office can

Zoning Administration and

Pat Keller, Deputy Director

Office of Planning and Zoning

Hyman Property, Item No. 235 Titus Property, Item No. 243

Rurka Property, Item No. 244

Development Management

Office of Planning at 887-3211.

comments.

PK/JL/rdn

ITEM235/TXTROZ

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorners who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnell.

Zoning Plans Advisory Committe Coments Date: December 26, 1991

> 2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All Petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possiblity that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or imcompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,

Zoning Plans Advisory Committee

JED: jw

Enclosures

Baltimore County Government Fire Department

700 East Joppa Road Suite 901 Towson, MD 21204-5500

(301) 887-4500

DECEMBER 6, 1991

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

RE: Property Owner: KENNETH R. TITUS AND LEGORE D. TITUS

#1503 GALENA ROAD Location:

Zoning Agenda: DECEMBER 10, 1991 Item No.: 243

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Planning Group Approved Fire Prevention Bureau Special Inspection Division

JP/KEK

DALTINGRE COURTY, MARYLAND INTERSETETETE OFFER BOTH CE

To Amil Tobles, Divided LATE: December 6, 1991 Loning Administration and Development Management - 77 M: 3 0.35 W. Iswling, 2.I. ng - Pallig Advisory Dominise Messing -Syr Desemble 13: 1911

The Constanters Unglies sing Direct in and perioded The LANGE IN SCHING COUNTY AND WE NOTE IN COMMENTAL BOX Inema 140, 211, 272, 240 and 144.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

13.8.92

DATE: January 16, 1992

TO: Mr. Arnold Jablon, Director Office of Zoning Administration

and Development Management

FROM: J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 243 Titus Property Chesapeake Bay Critical Area Findings

SITE LOCATION

92-230-4

The subject property is located at 1505 Galena Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. and Mrs. Kenneth Titus

APPLICANT PROPOSAL

The applicant has requested a variance from section 1B02.3C1 of the Baltimore County Zoning Regulations to permit "a side yard setback of seven feet in lieu of the required ten feet."

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- 1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- 2. Conserve fish, wildlife and plant habitat; and
- 3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts" <COMAR 14.15.10.01.0>.

Mr. Arnold Jablon January 16, 1992

REGULATIONS AND FINDINGS

Tree list:

- Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Sec. 22-213(a)>.
 - Finding: This property is located approximately 300 feet from the tidal waters of Back River. No disturbance of the shoreline buffer shall occur.
- Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination" <Baltimore County Code Sec. 22-98>.
 - <u>Finding:</u> No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site.
- Regulation: "If a parcel or lot one-half acre or less in size was in residential use or zoned for residential purposes on or before December 1, 1985, then man-made impervious surfaces associated with that use are limited to 25% of the parcel or lot" <Section 22-217(e)>.
- <u>Findings:</u> This project proposes to raze an existing dwelling and build a larger new house. The proposed house summed with the existing parking pad creates impervious surfaces which total 22% of the lot. Impervious surfaces shall not be permitted which exceed 25% of the lot.
- 4. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland of at least 15%" <COMAR 14.15.02.04

Finding: The following plant material shall be selected from the enclosed list and planted in addition to existing vegetation to provide a 15% forested cover.

Shrub and small tree list: 4 items - ball and burlap or 2 gallon container size

1 item - minimum 4 foot size

Trees are an important factor in improving water quality. The roots of trees greatly improve the infiltration rate of storm water and efficiently remove nitrogen from subsurface flows of

Mr. Arnold Jablon January 16, 1992

> ground water. Trees also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorous associated with them.

Regulation: "The stormwater management system shall be designed so that:

(1) Development will not cause downstream property, watercourses, channels or conduits to receive stormwater runoff at a higher rate than would have resulted from a ten year frequency storm if the land had remained in its pre-development state:

(2) Infiltration of water is maximized throughout the site, rather than directing flow to single discharge points; and

(3) Storm drain discharge points are decentralized to simulate the pre-development hydrologic regime.

(4) There is sufficient storage capacity to achieve water quality goals of COMAR 14.15 and to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its pre-development state" <Baltimore County Code, Section 22-217(h)>.

Finding: The applicant agrees to install infiltration devices on all downspouts. This will decentralize the runoff coming from the new house and help maximize the infiltration of storm water and brings this property into compliance with the above regulation.

6. Regulation: "Before the issuance of any Use and Occupancy permit within the Critical Area by the Department of Permits and Licenses, the Director of the Department of Environmental Protection and Resource Management, or his designee, shall determine that the development is in compliance with the Findings and Findings Plan as determined by the approving authority. The Use and Occupancy permit shall not be issued unless and until the Director of Environmental Protection and Resource Management, or his designee, certifies to the Director of Permits and Licenses that such development is in compliance with said Findings and Findings Plan" <Baltimore County Code, Section 22-219>.

<u>Finding:</u> Please contact the Chesapeake Bay Critical Area Program at 887-2904 two weeks prior to your request for the Use and Occupancy permit. The Use and Occupancy will not be issued until your property is in compliance with the Chesapeake Bay Critical Area Regulations.

Mr. Arnold Jablon January 16, 1992 Page 4

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations, and is therefore approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-2904.

> J. James Dieter, Director Department of Environmental Protection and Resource Management

JJD:NSS:ju Attachment

TITUS/TXTNSS

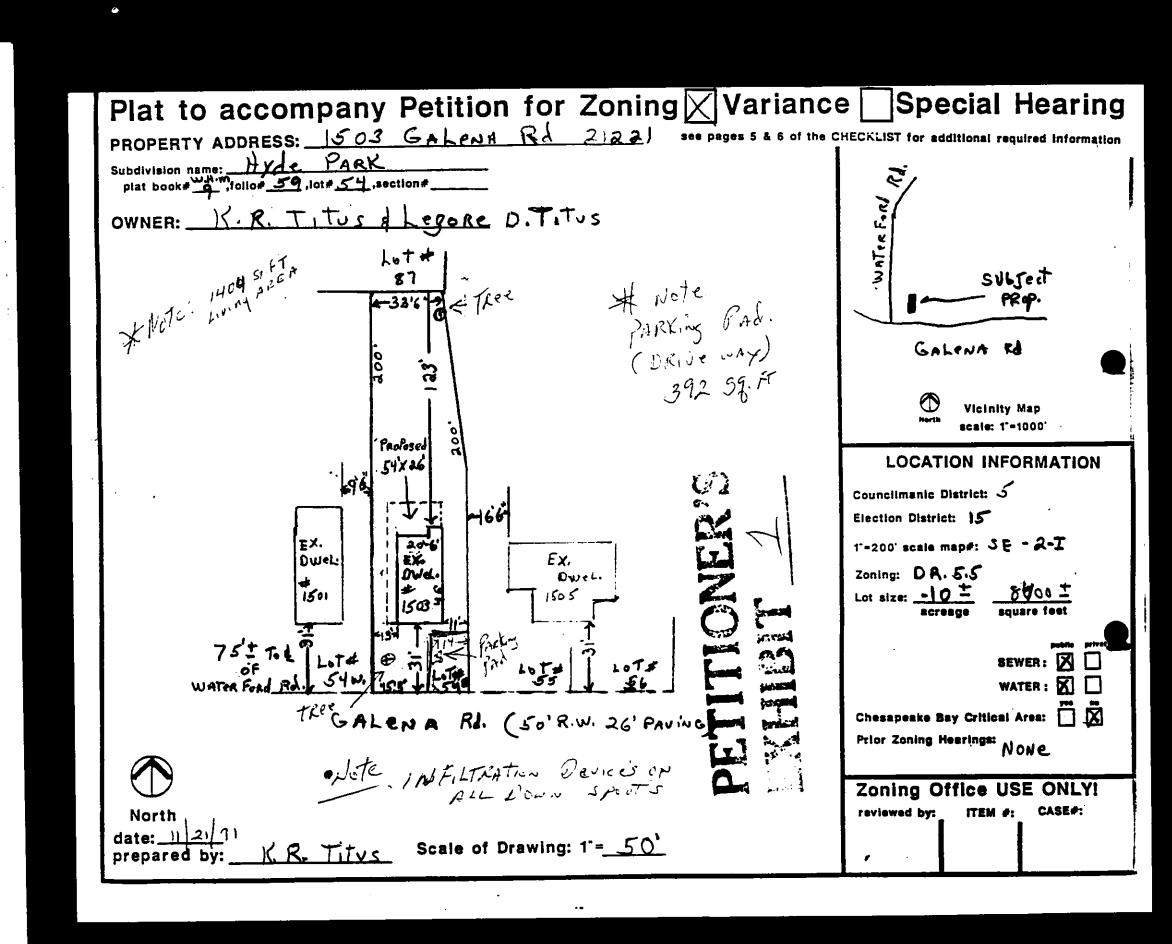
ZONING OFFICE

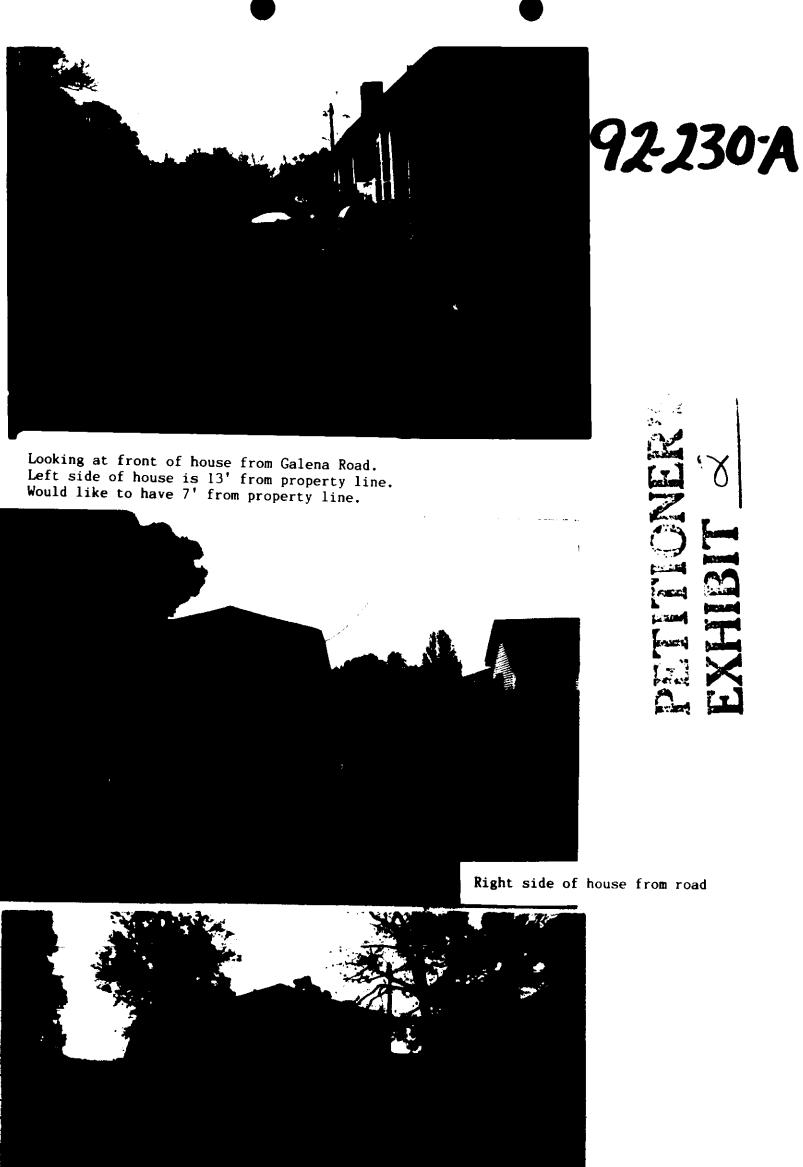
Table 2. PLANT ASSOCIATION: UPLAND MOIST

RELATIVE ABUNDANCE

VEGETATIVE STRATA - SHRUBS AND SMALL TREES

Asimina triloba	(Paw Paw)	Abundant
Amelanchier canadensis	(Canadian Serviceberry)	Abundant
Amelanchier laevis	(Serviceberry)	Abundant
Amelanchier obovalis	(Obovate Serviceberry)	Abundant
Clethra alnifolia	(Sweet Pepperbush)	Abundant
Cornus amomum	(Silky Dogwood)	Local
Cornus florida	(Flowering Dogwood)	Freq.Abund.
Gaylussacia frondosa	(Huckleberry)	Abundant
[lex opaca	(American Holly)	AbundFreq.
Itea virginica	(Tassel-White)	Infrequent
Kalmia angustifolia	(Lamb-Kill)	Abundant
Kalmia latifolia	(Mountain Laurel)	Abundant
Leucothoe racemosa	(Fetter-Bush)	Abundant
Lindera benzoin	(Common Spicebush)	Frequent
Lyonia ligustrina	(Male-Berry)	Frequent
Myrica pensylvanica	(Bayberry)	Frequent
Prunus serotinia	(Black Cherry)	Abundant
Prunus virginiana	(Choke Cherry)	Local
Rhodendron nudiflorum	(Pinxter Flower)	Infrequent





Rear of house.

